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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,139	01/16/2001	Mark Moir	001345	3420

24118 7590 04/06/2005  
HEAD, JOHNSON & KACHIGIAN  
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TULSA, OK 74119

EXAMINER

BELIVEAU, SCOTT E

ART UNIT PAPER NUMBER

2614

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/761,139

Applicant(s)

MOIR, MARK

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 22 December 2004. These drawings are approved.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the currently amended claims, the claim language only requires for a program guide grid to be displayed, but does not require the presence/existence of the circumstance or condition associated with some of the program start/finish being outside of the displayed time range to be present in the displayed grid. In particular, the claims require that in the event that or circumstance or "if" programs do not start or finish within the time frame indicated within the displayed grid that the display portion displays either the time elapsed since the program started to the start of the time period in the grid or the time for which the program will last beyond the end of the time period represented. Should all of the programs being displayed within cells within the grid not extend either prior to or beyond the time frame of display grid, the claimed limitations are met by the generation and display of a television program guide comprising a grid having a time bar and series of cells representing programs which can be selected to be viewed given that the condition is not present. Such an interpretation is also consistent in light of the specification such that the grid may or may not comprise cells associated with the "if" limitation.

An amendment to claim 1 reciting a positive limitation such as “. . . and wherein [if] at least one or more programs . . . represented by the time bar on the display[,]; and a display portion that is generated” would overcome the grounds of rejection as set-forth/applied by requiring that the display comprises instances where individual program start/end times extend beyond the boundary of the guide be present. Such an amendment, however, would require further search and/or consideration in view of both the applied rejection and change in the scope of the claim. An analogous amendment to claim 5, setting forth a positive recitation associated with the “if” conditions would similarly be required in view of the art rejection.

Furthermore, while the examiner concurs with the applicant’s interpretation that the previously applied rejection would only provide the claimed “display portion” for one cell at a time, it is the examiner’s interpretation of the claim that in view of the aforementioned amendment eliminating the alternative language that the claims would not require for multiple cells to simultaneously comprise the “display portion” as argued. Rather, the user may simply select each of the cells that meet the aforementioned start/end condition and display the respective display portion. Accordingly, the examiner would also suggest additional language requiring the “display portion” to be simultaneously displayed for at least two of the cells meeting the start/start condition as particularly illustrated in the instant application.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 5-7 rejected under 35 U.S.C. 102(b) as being anticipated by Lawler (US Pat No. 5,585,838).

In consideration of claim 1, the Lawler et al. reference discloses a “television program guide display providing information relating to programs which can be selected to be viewed”. As illustrated in Figure 3, the “display” [78] comprises a “grid” [80] having a “time bar to indicate the particular time period to which the display relates” [82], a “series of cells . . . representing a program” [88] and further “selectable to select a program for viewing”, and “one or a number of the cells representing a program channel” [84] (Col 8, Line 21 – Col 9, Line 6; Col 13, Line 61 – Col 14, Line 1). As aforementioned, the claim language is met by Lawler so long as the “display portion” does not contain any entries that extend either prior to or past the displayed time range. The reference, explicitly discloses that the particular grid can comprise any number of cells and rows and that an indicator is not required to be generated if such a condition causing its generation does not exist (Col 9, Lines 7-27). The reference anticipates the claim for the scenario wherein the grid comprises only programs that start and end within the displayed time period. For example, if the display of Figure 3 comprises only the time period from 3:00-4:00 PM for only channels 11 and 12 such that the programs “Kung Fu: The Legend Continues”, “Trailside: Make Your Own Adventure”, and “Today’s Gourmet” are displayed in their entirety within the grid, then

all of the programs indicated by one or more corresponding cells within the grid start or finish within the time period represented by the time bar on the display. Accordingly, the Lawler display [78] meets the condition/limitation of “if one or more programs indicated by one or more correspond cells within the grid does not start or finish with a time period represented by the time bar on the display . . . ” given that the condition need not present.

Claims 5-7 are rejected wherein the Lawler et al. reference discloses a “method of generating a television program guide . . . including at least one display page comprising a grid” (Figure 3). The method comprises “generating said grid” [80] by “providing a time bar” [82] and a “series of cells . . . indicating a program to be shown on a particular channel over the time period displayed” [88] and “indicating the start, finish and length of each program with respect to the time bar” (Col 8, Line 32 – Col 9, Line 17). The “time bar” [82] is operable to comprise any number of columns (Col 5, Lines 24-26). As aforementioned, the claim language is anticipated by the scenario which does not require for the calculation to be performed or for the display portion to be generated resulting from the calculation as all of the displayed programs start/finish within the displayed range.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until

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after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB  
March 24, 2005

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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